

**SUPREME COURT MINUTES
THURSDAY, MAY 31, 2007
SAN FRANCISCO, CALIFORNIA**

S058489**PEOPLE v. CAREY (DEWAYNE
MICHAEL)**

Opinion filed: Judgment affirmed in full.

Majority opinion by: Kennard, J.

-----joined by: George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S134543 A099250/A099499/A099366/A109260

First Appellate District, Div. 2

**PEOPLE v. KNOLLER
(MARJORIE)**

Opinion filed: Judgment reversed and the matter is remanded to that court, with directions to return the case to the trial court for reconsideration of defendant Knoller's new trial motion in accord with the view expressed in this opinion.

Opinion by: Kennard, J.

-----joined by: George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S136154 B173281 Second Appellate District, Div. 5**ANGELUCCI (MARC) v.
CENTURY SUPPER CLUB**

Opinion filed: Judgment reversed and the matter is remanded to the Court of Appeal for further proceedings consistent with this opinion.

-----Majority Opinion by: George, C. J.

-----joined by: Kennard, Baxter, Chin, Moreno, and Corrigan, J.J.

-----Concurring Opinion by: Werdegarr, J.

S153035 B198450 Second Appellate District, Div. 4**GEUYDJIAN (ARAM) v. S.C.
(PEOPLE)**

Petition for review and application for stay denied.

S012279**PEOPLE v. LUCAS (DAVID ALLEN)**

Extension of time granted to July 27, 2007, to file the appellant's reply brief. After that date, only two further extensions totaling about 90 additional days are contemplated. Extension is granted based upon counsel Thomas Lundy's representation that he anticipates filing that brief by October 31, 2007.

S075725**PEOPLE v. JONES (KIONGOZI)**

Extension of time granted ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it. to July 31, 2007, to file the appellant's opening brief. The court anticipates that after that date, only five further extensions totaling about 300 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S093754**PEOPLE v. BRENTS (GARY GALEN)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 31, 2007.

S147749**HOLLOWAY (DUANE) ON H.C.**

Extension of time granted to July 27, 2007, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 90 additional days are contemplated. Extension is granted based upon Assistant Federal Public Defender Harry Simon's representation that he anticipates filing that document by October 25, 2007.

S150303**PEOPLE v. WILSON (DARRYL)**

Upon request of appellant Rudy Mundell Anderson for appointment of counsel, the California Appellate Project is hereby appointed to represent appellant on the appeal now pending in this court.

S152464

D049257 Fourth Appellate District, Div. 1

INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB v. S.C. (WILLIAMS)

Extension of time granted.

On application of Real Parties of Interest and good cause appearing, it is ordered that that the time to serve and file the reply to the answer to petition for review is extended to June 8, 2007.

S073596**PEOPLE v. LANCASTER
(ANDREW)**

Order appointing Habeas Corpus Resource Center filed.

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Andrew Lancaster for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court. Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Andrew Lancaster.

S092356**BOYETTE (MAURICE) ON H.C.**

Order filed.

Due to clerical error, the order filed in the above entitled matter on April 12, 2007, is hereby amended to read as follows: Good cause appearing, and based upon Deputy Attorney General Christina Vom Saal's representation that she anticipates filing the order to show cause to the petition for writ of habeas corpus by June 1, 2007, counsel's request for an extension of time in which to file that document is granted to June 1, 2007. After that date, no further extension will be granted.

S141502

B169805 Second Appellate District, Div. 5

**GENTRY (ROBERT) v. S.C.
(CIRCUIT CITY STORES)**

Request for judicial notice granted.

Petitioner Robert Gentry's Motion for Judicial Notice of July 17, 2006, is granted. Real party Circuit City's Request for Judicial Notice of September 18, 2006, is granted. Amici curiae National Retail Federation et al.'s Request for Judicial Notice of December 14, 2006, is granted as to exhibits A, C, F, G, and M, and is denied as to all other exhibits. Amicus curiae Federated Department Stores, Inc.'s Motion for Judicial Notice of December 14, 2006, is denied. Amicus curiae Michael H. Crosby's request for judicial notice of December 14, 2006, is denied.

S141913

H027835 Sixth Appellate District

**PEOPLE v. ALLEN (GREGORY
SEAN)**

Order filed.

The parties are requested to respond to the following question. At oral argument, the Attorney General stated that Allen is subject to an uncontested commitment. What is the basis for this

statement? The parties are directed to serve and file simultaneous letters by June 11, 2007, and may serve and file any reply by June 18, 2007.

S151491 E040003 Fourth Appellate District, Div. 2 **HARDEN (ROBERT ALLEN)**
The order filed on May 23, 2007, denying the petition for review is amended to reflect the Court of Appeal number reflected above.

S150707 A113389 First Appellate District, Div. 5 **PREOVOLOS (THEODORE) v.**
PREOVOLOS (PETER)

Order filed.

The order filed on May 29, 2007, extending time to grant or deny review until July 7, 2007, is vacated due to clerical error.

S152245 A117202 First Appellate District, Div. 1 **ALVAREZ (ALBERTO) v. S.C.**
(PEOPLE)

Order filed.

The order filed on May 16, 2007, is hereby amended to read in its entirety: The application to file exhibits 7, 8, and 9 under seal is granted. The records contained in those exhibits are currently under seal, by order of the San Mateo County Superior Court. (Cal. Rules of Court, rule 8.160, subd. (c)(1).) The petition for review is granted. The matter is transferred to the Court of Appeal, First Appellate District, Division One, with directions to vacate its order denying mandate and/or prohibition and to issue an order directing respondent court to show cause why the relief sought in the petition should not be granted. The order issued by the San Mateo County Superior Court on April 23, 2007, staying the unsealing of the grand jury transcript, remains in effect pending further order of the Court of Appeal.

S152647 **TSMC NORTH AMERICA v. S.C.**
(SEMICONDUCTOR
MANUFACTURING INT'L.)

Order filed.

The order filed May 23, 2007, denying the application for stay and petition for review is amended to reflect the title above.

S152669

**CITY OF OAKLAND v. S.C.
(HORNUNG)**

Order filed

The order filed on May 23, 2007, is hereby amended to read in its entirety: The petition for writ of mandate, filed May 15, 2007, is deemed a petition for review and is granted. The matter is transferred to the Court of Appeal, First Appellate District, Division One, with directions to vacate its order denying the petition for writ of mandate and supersedes and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

S133687 Linda Shirk, Plaintiff and Appellant,
v.
Vista Unified School District, Defendant and Respondent.
Cause called. Jack M. Sleeth, Jr., argued for Respondent.
Manuel Corrales, Jr., argued for Appellant.
Mr. Sleeth replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

- S132605 The People, Plaintiff and Respondent,
 v.
 Aaron Patrick Sloan, Defendant and Appellant.
 Cause called. George M. Hendrickson, Office of the Attorney General,
 argued for Respondent.
 William J. Arzbaeher, Central California Appellate Program, argued for
 Appellant.
 Mr. Hendrickson replied.
 Cause submitted.
- S132980 The People, Plaintiff and Respondent,
 v.
 Johnny A. Izaguirre, Defendant and Appellant.
 Cause called. Edward H. Schulman, Court-appointed Counsel, argued for
 Appellant.
 David Glassman, Office of the Attorney General, argued for Respondent.
 Mr. Schulman replied.
 Cause submitted.
- S027730 The People, Respondent,
 v.
 Maria Del Rosio Alfaro, Appellant.
 Cause called. Karen L. Snell, Court-appointed Counsel, argued for
 Appellant.
 Kyle Niki Shaffer, Office of the Attorney General, argued for Respondent.
 Ms. Snell replied.
 Cause submitted.

Court adjourned.

